100/-

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(CHHATTISGARH)

WRIT PETITION NO. 4093 OF 2006

PETITIONER : Smt. Meera Ahirwaar, wife of Shri Balaram Ahirwaar, aged about 45 years, Proprietor: M/s. Deepa Industry, 147-B, L.I.A. Bhilai, District Durg (C.G.).

P.R. No. 3965/06
Presented by Shri D.K. Vishwakarma
dated 26/7/06

VERSUS

RESPONDENTS :

1. State of Chhattisgarh,
Through: The Secretary, Department of Home, D.K.S. Bhawan, Raipur (C.G.).

2. The Director General of Police, Police Head Quarter, Raipur (C.G.).

3. The Senior Superintendent of Police, District Durg (C.G.).

4. The Station House Officer,
Police Station Bhilai Bhatthi, Bhilai, District Durg (C.G.).

5. T. P. Upadhyay, Dex Officer, State Bank of India, Through: Divisional General Manager, State Bank of India, Regional Office, Shankar Nagar Raipur (C.G.).

6. V. V. Ramanna, Branch Manager, State Bank of India, Through: Divisional General Manager, State Bank of India, Regional Office, Shankar Nagar Raipur (C.G.).

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7. S. S. Joshi, Assistant General Manager, State Bank of India, Through: Divisional General Manager, State Bank of India, Regional Office, Shankar Nagar Raipur (C.G.).

8. T. R. Rajgopalan, Assistant General Manager, State Bank of India, Through: Divisional General Manager, State Bank of India, Regional Office, Shankar Nagar Raipur (C.G.).

9. Dr. Sandeep Khanna, Industry Commissioner, Through: The Chief Secretary, State Govt. of Madhya Pradesh, Vallabh Bhawan, Bhopal (M.P.).

10. B. B. Lal, Industrial Advisor, (Chemical), Directorate of Industry, Vindhayachal Bhawan, Bhopal, (M.P.).

11. S. K. Gupta, Director, Rasayan avam Laghu Udyog Seva Sansthan, Govt. of India, Polo Ground, Indore (M.P.).

12. Dr. P. Raghvan, Principal Secretary, Commercial and Industry, D.K.S. Bhawan, Raipur (C.G.).

13. P. C. Verma, Joint Director, Through: The General Manager, Zila Vyapar avam Udyog Kendra, Raipur (C.G.).

14. S. K. Gupta, Additional Director, Directorate of Industry, L.I.C. Building, Pandri, Raipur (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS ETC.

HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition No. 4093 of 2006

Petitioner		Smt. Meera Ahirwaar, wife of Shri Balaram Ahirwaar, aged about 45 years, Proprietor: M/s. Deepa Industry, 147-B, L.I.A. Bhilai, District Durg (CG).
		Versus
Respondents	1	State of Chhattisgarh, through the Secretary, Department of Home, D.K.S. Bhawan, Raipur (CG).
	2	The Director General of Police, Police Head Quarter, Raipur (CG).
	3	The Senior Superintendent of Police, District Durg (CG).
	4.	The Station House Officer, Police Station Bhilai Bhatti, Bhilai, Bhilai, District Durg (CG).
	5.	T.P. Upadhyay, Dex Officer, State Bank of India, through Divisional General Manager, State Bank of India, Regional Office, Shankar Nagar, Raipur (CG).
	6.	V.V. Ramanna, Branch Manager, State Bank of India, through Divisional General Manager, State Bank of India, Regional Office, Shankar Nagar, Raipur (CG).
	7.	S.S. Joshi, Assistant General Manager, State Bank of India, through Divisional General Manager, State Bank of India, Regional Office, Shankar Nagar, Raipur (CG).
	8.	T.R. Rajgopalan, Assistant General Manager, State Bank of India, through Divisional General Manager, State Bank of India, Regional Office, Shankar Nagar Raipur (CG).
	9.	Dr. Sandeep Khanna, Industry Commissioner, through the Chief Secretary, State Govt. of Madhya Pradesh, Vallabh Bhawan, Bhopal, (MP).
	10.	B.B. Lal, Industrial Advisor (Chemical), Directorate of Industry, Vindhayachal Bhawan, Bhopal, (MP).
	11.	S.K. Gupta, Director, Rasayan avam Laghu Udyog Seva Sansthan, Govt. of India, Polo Ground, Indore (MP).
	12.	Dr. P. Raghavan, Principal Secretary, Commercial and Industry, D.K.S. Bhawan, Raipur (CG).

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13. P.C. Verma, Joint Director, through the General Manager, Zila Vyapar avam Udyog Kendra, Raipur (CG).

14. S.K. Gupta, Additional Director, Directorate of Industry, L.I.C. Building, Pandri, Raipur (CG).

(Writ Petition under Article 226/227 of the Constitution of India.)

SB: Hon'ble Mr. Satish K. Agnihotri, J.

Present: Shri V.K. Pandey, counsel for the petitioner.
Shri Vinay Harit, Deputy Advocate General for the respondents No. 1 to 4/State.
Shri P.R. Patankar, counsel for the respondents No. 5 & 7.

ORDER

(Passed on 14th November, 2007)

In view of Court Order dt 20.12.08 in M.Cc. No. 562/07, necessary amendment has been made.

A.R. (J.)

Learned counsel appearing for the petitioner submits that the son of the petitioner namely Dharmendra Ahirwaar committed suicide by jumping over the running train on "10-03-2003" (10-10-2003) within the jurisdiction of the Police Station, Bhilai Bhatti, Bhilai. Learned counsel appearing for the petitioner further submits that suicidal note left behind by the deceased with the statements of father and mother of the deceased, makes it clear that it was a case of abetment and punishable under Section 306 of the Indian Panel Code.

2) On the other hand, learned counsel appearing for the respondents No. 1 to 4/State submits that the Police authorities have made complete investigation and on investigation it was not found a case of abetment, but it was a case of clear suicide.

3) Be that as it may, without expressing any opinion on the merit of the case, as statutory remedy under the provisions of Code of Criminal Procedure is available to the petitioner, in case there is failure on the part of the Police authorities in conduct of investigation, the petitioner is at liberty to take recourse to alternative statutory remedy that may be available to her under the provisions of law.

4) In view of the above, this petition is disposed of.

Sd/-
Satish K. Agnihotri
Judge

raju